IN THE HIGH COURT OF JUDICATURE, ANDHRA PRADESH
AT HYDERABAD

(Special Original Jurisdiction)

WEDNESDAY, THE TWENTY NINTH DAY OF DECEMBER
TWO THOUSAND AND FOUR

PRESENT

THE HON'BLE MR JUSTICE G. BIKSHAPATHY

and
THE HON'BLE MR JUSTICE P.S.NARAYANA

WRIT PETITION NO : 20913 of 2004

Between:

1 The Chief General Manager, Telecom, BSNL, A.P., Hyderabad.
2 The General Manager, BSNL , Telecom District, Tirupathi.
3 The Divisional Engineer (Internal), BSNL, Telephone Exchange,

Tirupathi.
4 The Deputy General Engineer, Telecom Mtce, BSNL, KT Road,

Tirupathi.
5 The Sub-Divisional Engineer, BSNL E-10 B Exchange, Telephone

Exchange, Tirupathi.

..... PETITIONERS.

AND

M. Nagasayanababu, S/o. M. Bhaskara Rao, Occ.Employee,

3-1/5B, Siva Jyothi Nagar, Tirupathi.

.....RESPONDENT

Petition under Article 226 of the Constitution of India praying that in the circumstances stated in the Affidavit filed herein the High Court may be pleased in the interest of justice to issue an appropriate writ or order or direction particularly one in the nature of Writ of Certiorari declaring the order dated 19-1-2004 in O.A.No. 1546/2002 of Hon'ble Central Administrative Tribunal, Hyderabad and the contempt proceedings thereof in CP No.85/2004 in O.A.No. 1546/2002 for non compliance as bad, illegal, void and quash the same.

Counsel for the Petitioner: MR.R.S.MURTHY

Counsel for the Respondent: MR. KRISHNA DEVAN.

The Court at the admission stage made the following :

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ORDER: (Per Sri GB,J)

The petitioners are challenging the order dated 19-01-2004 passed by the Central Administrative Tribunal in O.A.No.1546 of 2002.

2. The matter relates to the termination of the services of the respondent as casual Mazdoor. The Tribunal after considering the matter held that the order dated 10-10-2001 of the petitioner authorities was not sustainable and accordingly it was set aside. The respondents in the O.A. are directed to consider the claim of the applicant afresh for conferring temporary status by including his name in the list of left out employees and in the meanwhile re-engage the applicant, if work is available in preference to others. The Central Administrative Tribunal passed the following order:

"In the result, the impugned order No.GMTD/TRP/LC/OA.No.1054/01/01/2001-2002/10 dated
10-10-2001 (Annexure-I to the OA) is hereby set aside. The respondents are directed to consider the claim of the applicant afresh for conferring temporary status by including his name in the list of left out employees and in the meanwhile re-engage the applicant if work is available, in preference to others"

Against the said order, the present writ petition has been filed.

3. The learned counsel for the respondent submits that the Department had already acted on the order of the Tribunal and issued proceedings dated 12-07-2004 stating that the respondent has not fulfilled any of the conditions stipulated for grant of T.S.M., and therefore, his case for grant of T.S.M. cannot be considered. It is also stated that the case of the respondent will be considered for engaging in preference to freshers at appropriate time as per the directions of the Central Administrative Tribunal, where there is work. Hence, the writ petition itself is mis-conceived and it is

not open for petitioners to again challenge the order of the Tribunal. Under these circumstances, it is submitted that the writ petition is liable to be dismissed.

4. We have heard the learned Standing Counsel for Central Government and the learned counsel for the respondent.

5. Inasmuch as the Department has already acted on the orders passed by the Central Administrative Tribunal in O.A.No.1546 of 2002 and even in the said order no relief was given to the employee himself for the reason that the respondent has not fulfilled the requisite conditions for grant of T.S.M. Under those circumstances, we do not find any ground to interfere with the impugned order and the writ petition itself is not maintainable.

6. The Writ Petition is dismissed. No costs.

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G.BIKSHAPATHY, J

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P.S.NARAYANA, J

29th December, 2004.

Chvn/TJS

ASSISTANT REGISTRAR

// TRUE COPY //

SECTION OFFICER.

To

1 The Registrar, Central Administrative Tribunal, Hyderabad.

2 The Chief General Manager, Telecom, BSNL, A.P., Hyderabad.
3 The General Manager, BSNL , Telecom District, Tirupathi.
4 The Divisional Engineer (Internal), BSNL, Telephone Exchange,

Tirupathi.
5 The Deputy General Engineer, Telecom Mtce, BSNL, KT Road,

Tirupathi.
6 The Sub-Divisional Engineer, BSNL E-10 B Exchange, Telephone

Exchange, Tirupathi.

7 Two C.D. copies.